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EXAMINER

NGUYEN, HAI V

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/842,025	Applicant(s) BU ET AL.	
	Examiner Hai V. Nguyen	Art Unit 2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2001.
 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1-27 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) # | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>04/17/02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to application filed on 26 April 2001.
2. Claims 1-27 are presented for examination.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 22, and 24-26 are rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. Dependent claims 24-26 define the medium as a "client device", "host device" or a "propagated signal", respectively. In order to be statutory, a computer program must be stored on a computer readable medium in order for its functionality to be realized. In these dependent claims, it's not evident whether the computer program is stored such that its functionality could be realized. For example, how does a "host device" serve as a medium computer readable medium? Likewise, these claims serve as evidence that independent claim 22 falls into the category of non-statutory. Even though a "medium" is explicitly recited, the Applicant's definition of a "medium" extends beyond that which is considered statutory. See MPEP 2106(IV)(B)(1)(b)

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 27 is rejected under 35 U.S.C. 112, second paragraph, as being no structure for supporting the functionality of the apparatus claim. See MPEP 2114 [R-1].

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over **MacNaughton** et al. U.S patent no. **5,796,393** in view of **Kumar** et al. U.S patent no. **6,278,993 B1**.

9. As to claim 1, MacNaughton discloses a method of retrieving electronic data from a communications system, the method comprising:

establishing a connection to the communications system using a first account of a user (*MacNaughton, Abstract, col. 1, line 50 - col. 2, line 33*); initiating a first communication session over the connection associated with the first account of the user (*MacNaughton, Abstract, col. 1, line 50 - col. 2, line 33; col. 3, lines 35-61*); and however, MacNaughton does not explicitly disclose automatically initiating over the same connection one or more additional

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communication sessions associated with one or more additional accounts of the user. Therefore, the artisan would have been motivated to look into the related networking management art for potential methods and apparatus for implementing automatically initiating over the same connection one or more additional communication sessions associated with one or more additional accounts of the user.

In the same filed of endeavor, Kumar discloses (e.g., *extending an on-line internet*) automatically initiating over the same connection one or more additional communication sessions (*Kumar, Fig. 2, additional web sites like mybank.com, mystocks.com, myshopping.com, mortgage.com, etc.*) associated with one or more additional accounts (*Kumar, Fig. 2, additional accounts like mybank account, mystocks account, myshopping account, mortgage account, etc.*) of the user (*Kumar, Fig. 2, additional web sites like mybank.com, mystocks.com, myshopping.com, mortgage.com, etc.*). Kumar also discloses *when a user invokes a hyperlink from his personal list, software 35 uses the subscriber's personal information to provide an automatic and transparent log-in function for the subscriber while jumping the subscriber to the subject destination (Kumar, col. 12, lines 9-26).*

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Kumar teachings of and transparent log-in function for the subscriber (*Kumar, col. 12, lines 9-26*) with the teachings of MacNaughton, for the purpose of *allowing a user to access a complete list of the user's usual cyberspace destinations, (Kumar, col. 12, lines*

9-26). MacNaughton also suggests that *the Communities of the present invention may serve as a starting or focal point for Web navigating. The present invention provides a structure for a Web experience and helps users avoid being overwhelmed or overloaded by the complexity of the Web* (MacNaughton, col. 4, lines 6-56).

10. As to claim 2, MacNaughton-Kumar discloses accessing electronic data associated with the first account of the user (*MacNaughton, Abstract, col. 3, line 8 - col. 4, line 56*).

11. As to claim 3, MacNaughton-Kumar discloses accessing electronic data associated with the one or more additional accounts of the user (*MacNaughton, Abstract, col. 3, line 8 - col. 4, line 56; Kumar, col. 4, line 14 – col. 5, line 12; col. 8, line 11 – col. 9, line 33*).

12. As to claim 4, MacNaughton-Kumar discloses accessing electronic data associated with the one or more additional accounts of the user (*MacNaughton, Abstract, col. 3, line 8 - col. 4, line 56; Kumar, col. 4, line 14 – col. 5, line 12; col. 8, line 11 – col. 9, line 33*).

13. As to claim 5, MacNaughton-Kumar discloses, wherein accessing electronic data comprises retrieving email (*MacNaughton, Abstract, col. 3, line 8 - col. 4, line 56; Kumar, col. 4, line 14 – col. 5, line 12; col. 8, line 11 – col. 9, line 33*).

14. As to claim 6, MacNaughton-Kumar discloses, wherein accessing electronic data comprises sending e-mail (*MacNaughton, Abstract, col. 3, line 8 -*

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col. 4, line 56; Kumar, col. 4, line 14 – col. 5, line 12; col. 8, line 11 – col. 9, line 33).

15. As to claim 7, MacNaughton-Kumar discloses, wherein accessing electronic data comprises downloading one or more files (*Kumar, col. 4, line 14 – col. 5, line 12; col. 8, line 11 – col. 9, line 33; col. 10, lines 41-51*).

16. As to claim 8, MacNaughton-Kumar discloses, wherein accessing electronic data comprises retrieving messages posted on a message board (*MacNaughton, Abstract, col. 3, line 8 - col. 4, line 56; Kumar, col. 4, line 14 – col. 5, line 12; col. 8, line 11 – col. 9, line 33*).

17. As to claim 9, MacNaughton-Kumar discloses, wherein accessing electronic data comprises posting messages to a message board (*MacNaughton, Abstract, col. 3, line 8 - col. 4, line 56; Kumar, col. 4, line 14 – col. 5, line 12; col. 8, line 11 – col. 9, line 33*),

18. As to claim 10, MacNaughton-Kumar discloses wherein the first account and the one or more additional accounts of the user comprise different screen names (*MacNaughton, Abstract, col. 3, line 8 - col. 4, line 56; Kumar, Fig. 2; col. 4, line 14 – col. 5, line 12; col. 8, line 11 – col. 9, line 33; col. 9, line 59 - col. 10, line 51*).

19. As to claim 11, MacNaughton-Kumar discloses, wherein automatically initiating one or more additional communication sessions comprises automatically switching between the different screen names (*MacNaughton, Abstract, col. 2, line 50 – col. 3, line 5; col. 3, line 8 - col. 4, line 56; Kumar, Fig.*

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2; col. 4, line 14 – col. 5, line 12; col. 8, line 11 – col. 9, line 33; col. 9, line 59 – col. 10, line 51).

20. As to claim 12, MacNaughton-Kumar discloses setting preferences for initiating the first communication session (*MacNaughton, Abstract, col. 2, line 50 – col. 3, line 5; col. 3, line 8 – col. 4, line 56; Kumar, Fig. 2; col. 4, line 14 – col. 5, line 12; col. 8, line 11 – col. 9, line 33; col. 9, line 59 – col. 10, line 51*).

21. As to claim 13, MacNaughton-Kumar discloses, wherein setting preferences comprises scheduling a time to initiate the first communication session (*MacNaughton, Abstract, col. 2, line 50 – col. 3, line 5; col. 3, line 8 – col. 4, line 56; Kumar, Fig. 2; col. 4, line 14 – col. 5, line 12; col. 8, line 11 – col. 9, line 33; col. 9, line 59 – col. 10, line 51; col. 12, lines 9-44*).

22. As to claim 14, MacNaughton-Kumar discloses setting preferences for initiating the one or more additional communications sessions (*MacNaughton, Abstract, col. 2, line 50 – col. 3, line 5; col. 3, line 8 – col. 4, line 56; Kumar, Fig. 2; col. 4, line 14 – col. 5, line 12; col. 8, line 11 – col. 9, line 33; col. 9, line 59 – col. 10, line 51; col. 12, lines 9-44*).

23. As to claim 15, MacNaughton-Kumar discloses, wherein setting preferences comprises scheduling a time to automatically initiate the one or more: additional communications session (*MacNaughton, Abstract, col. 2, line 50 – col. 3, line 5; col. 3, line 8 – col. 4, line 56; Kumar, Fig. 2; col. 4, line 14 – col. 5, line 12; col. 8, line 11 – col. 9, line 33; col. 9, line 59 – col. 10, line 51; col. 12, lines 9-44*).

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24. As to claim 16, MacNaughton-Kumar discloses setting different preferences for initiating the first communication session and for initiating the one or more additional communication sessions (*MacNaughton, Abstract, col. 2, line 50 – col. 3, line 5; col. 3, line 8 - col. 4, line 56; Kumar, Fig. 2; col. 4, line 14 – col. 5, line 12; col. 8, line 11 – col. 9, line 33; col. 9, line 59 - col. 10, line 51; col. 12, lines 9-44*).

25. As to claim 17, MacNaughton-Kumar discloses, wherein the first communication session is initiated automatically (*MacNaughton, Abstract, col. 2, line 50 – col. 3, line 5; col. 3, line 8 - col. 4, line 56; Kumar, Fig. 3; col. 4, line 14 – col. 5, line 12; col. 8, line 11 – col. 9, line 33; col. 9, line 59 - col. 10, line 51; col. 12, lines 9-44*).

26. As to claim 18, MacNaughton-Kumar discloses running the first communication session and the one or more additional communication sessions in parallel (*MacNaughton, Abstract, col. 2, line 50 – col. 3, line 5; col. 3, line 8 - col. 4, line 56; Kumar, Fig. 2; col. 4, line 14 – col. 5, line 12; col. 8, line 11 – col. 9, line 33; col. 9, line 59 - col. 10, line 51; col. 12, lines 9-44*).

27. As to claim 19, MacNaughton-Kumar discloses, wherein the user comprises a single member of an online service (*MacNaughton, Abstract, col. 2, line 50 – col. 3, line 5; col. 3, line 8 - col. 4, line 56; Kumar, Fig. 2; col. 4, line 14 – col. 5, line 12; col. 8, line 11 – col. 9, line 33; col. 9, line 59 - col. 10, line 51; col. 12, lines 9-44*).

28. As to claim 20, MacNaughton-Kumar discloses, wherein the user comprises multiple members of the online service (*MacNaughton, Abstract, col.*

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2, line 50 – col. 3, line 5; col. 3, line 8 - col. 4, line 56; Kumar, Fig. 2; col. 4, line 14 – col. 5, line 12; col. 8, line 11 – col. 9, line 33; col. 9, line 59 - col. 10, line 51; col. 12, lines 9-44).

29. As to claim 21, MacNaughton-Kumar discloses, wherein the multiple members are related (*MacNaughton, Abstract, col. 2, line 50 – col. 3, line 5; col. 3, line 8 - col. 4, line 56; Kumar, Fig. 2; col. 4, line 14 – col. 5, line 12; col. 8, line 11 – col. 9, line 33; col. 9, line 59 - col. 10, line 51; col. 12, lines 9-44*).

30. Claim 22 is corresponding computer readable medium claim of claim 1; therefore, it is rejected under the same rationale as in claim 1.

31. As to claim 23, MacNaughton-Kumar discloses, wherein the computer readable medium comprises a disc (*Kumar, Fig. 8, item 147*).

32. As to claim 24, MacNaughton-Kumar discloses, wherein the computer readable medium comprises a client device (*Kumar, Fig. 8, item 147*).

33. As to claim 25, MacNaughton-Kumar discloses, wherein the computer readable medium comprises a host device (*Kumar, Fig. 8, item 169*).

34. As to claim 26, MacNaughton-Kumar discloses, wherein the computer readable medium comprises a propagated signal (*Kumar, Fig. 8*).

35. Claim 27 is corresponding apparatus claim of claim 1; therefore, it is rejected under the same rationale as in claim 1.

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36. Further references of interest are cited on Form PTO-892, which is an attachment to this action.

37. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai V. Nguyen whose telephone number is 703-306-0276. The examiner can normally be reached on 6:00-3:30 Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached on 703-305-9705. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hai V. Nguyen
Examiner
Art Unit 2142

HN


JACK D. HARVEY
SUPERVISORY PATENT EXAMINER